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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,712	09/12/2003	Paul E. Reilly	P1584C3-946	7648

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EXAMINER

PATEL, NIKETA I

ART UNIT

PAPER NUMBER

2181

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/660,712

Applicant(s)

REILLY, PAUL E.

Examiner

Niketa I. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-15, 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/12/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/12/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nomura U.S. Patent Number: 5,113,355 (hereinafter "*Nomura*") and further in view of Salgado U.S. Patent Number: 5,579,087 (hereinafter "*Salgado*").

4. **Referring to claims 13, 19 and 21**, *Nomura* teaches a network printer system comprising: a printer connected to a network for receiving and printing print jobs in response to print requests from host computers [see figure 1, element 2], said printer including a localized print queue for storing job information for each of said host computers attempting to gain print

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access of said printer [see figure 1, element 1; the printer 2 includes a localized print queue 3 in a printer control system 1.] *Nomura* does not teach a facility for establishing communications with a host computer from which a particular print request had been received for the purpose of requesting print job content when said particular print request has reached the ton of said localized print queue, however teaches *Salgado* this limitation [see *Salgado* column 4, line 7-14, 'printer 11 and user interface 40 displayed on the printer'; column 5, lines 30-65, the user interface allows a user to enter the location of data and the user interface retrieves the data from the entered location] in order to allow user to bind print data from various locations and print it as a single document.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of *Nomura* to be able to include a facility for establishing communications with a host computer from which a particular print request had been received for the purpose of requesting print job content when said particular print request has reached the ton of said localized print queue, in order to allow user to bind print data from various locations and print it as a single document. It is for this reason that one of ordinary skill in the art would have been motivated to implement system of *Nomura* with a facility for establishing communications with a host computer in order to allow user to bind print data from various locations and print it as a single document.

5. **Referring to claim 14**, teachings of *Nomura* as modified by the teaches of *Salgado*, teaches wherein said printer initiates a print connection with one of said host computers corresponding to said job information at a top of said localized print queue when said printer

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becomes available [see figure 1, element 10; printer communicates print connection with a host computer via network.]

6. **Referring to claim 15**, teachings of *Nomura* as modified by the teaches of *Salgado*, teaches further comprising a plurality of network services protocol/ports for connecting between said host computers and said printer [see figure 1, element 10; printer 2 communicates via network 10 with other networked computers using network and printing protocols.]

7. **Referring to claim 20**, teachings of *Nomura* as modified by the teaches of *Salgado*, teaches wherein said localized print queue stores job information for each of said host computers attempting to gain print access of said printer [see figure 1, elements 3,1-3.]

8. Claims 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Nomura* U.S. Patent Number: 5,113,355 (hereinafter “*Nomura*”), *Salgado* U.S. Patent Number: 5,579,087 (hereinafter “*Salgado*”) and further in view of IBM Technical Disclosure Bulletin, TDB-ACC-No: NN8506154, ‘Method to manipulate the Print Queue for Displaywrite2’ (hereinafter “*IBM*”).

9. **Referring to claim 22**, teachings of *Nomura* as modified by the teaches of *Salgado*, teaches limitations of claim 21, however does not set forth the limitation of further comprising the step of re-ordering said localized queue according to one or more predetermined criteria. *IBM* teaches to re-order a localized queue according to one or more predetermined criteria [see paragraphs 1, 3 ‘reordered queue’] in order to allow a user to delete a job from the queue, add a job to the queue and/or change the printing order of the jobs in the queue.

One of ordinary skill in the art at the time of applicant’s invention would have clearly recognized that it is quite advantageous for the system of *Nomura & Salgado* to be able to re-

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order a localized queue according to one or more predetermined criteria, in order to allow a user to delete a job from the queue, add a job to the queue and/or change the printing order of the jobs in the queue. It is for this reason that one of ordinary skill in the art would have been motivated to implement system of *Nomura & Salgado* with the ability to reorder the localized queue, in order to allow a user to delete a job from the queue, add a job to the queue and/or change the printing order of the jobs in the queue.

### ***Allowable Subject Matter***

10. Claims 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or fairly suggest wherein the network services protocol/ports comprise imaging device protocol (IDP) ports and non-IDP ports, in combination with the limitations cited in the base claims and the limitations cited in all the intervening claims.

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 13-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272 4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP  
03/03/2006



**KIM HUYNH**  
**SUPERVISORY PATENT EXAMINER**

3/3/06